

## **REMARKS**

### **I. Introduction**

Claims 1 to 30 were rejected. Claims 1 to 30 are pending in the present application. Claims 1, 13, 19, and 20 were amended. New claims 31-35 have been added. The amended and new claims are supported by the originally filed disclosure and do not add new matter. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are in allowable condition. Applicant respectfully requests reconsideration of the present application.

Applicant thanks the Examiner for the courtesies extended to Applicant's representative, Andrew Reibman, Esq. at the telephonic interview of July 16, 2007. At the interview claim 1, and the cited Roberts reference were discussed. Applicant's representative reiterated Applicant's position stated in the previous Amendment that Roberts did not teach or suggest the recited "selectively mounted" feature of Applicant's claim 1. No agreement was reached.

### **II. Rejection of Claims 8, 16, 22 and 25-27 under 35 U.S.C. § 112**

Claims 8, 16, 22 and 25-27 were rejected under 35 U.S.C. § 112, second paragraph.

Claims 8, 16, and 22 each recite "an angular wall" prior to reciting "an arcuate guide connected to *the angular wall* adapted to guide the tickets from the stack to the slot for dispensing." Therefore, Applicant respectfully disagrees with the Office Action's assertion that these claims lack antecedent basis for "the angular wall".

Claims 25-27 do not expressly recite "the angular wall" mentioned in the rejection; accordingly, it appears they were only rejected as depending from rejected claims 8, 16, and 22, respectively. Accordingly, the rejection should be withdrawn when the rejection of claims 8, 16, and 22 is withdrawn.

In view of the above discussion, withdrawal of the Section 112 rejection of claims 8, 16, 22, and 25-27 is respectfully requested.

### **III. Rejection of Claims 1-7, 9, 10, 12-15, 17-24, 28, 29 and 30 under 35 U.S.C. § 103(a)**

Claims 1-7, 9, 10, 12-15, 17-24, 28, 29 and 30 were rejected under 35 U.S.C. § 103(a) over Roberts (PCT WO 01/76708 A1) in view of Schick (2,049,140). Applicant respectfully submits that the rejection should be withdrawn for at least the following reasons.

To reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim feature. *See Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 934 (Fed. Cir. 1990), *cert. denied*, 111 S. Ct. 296 (1990); *In re Bond*, 910 F.2d 831, 834 (Fed. Cir. 1990). The factual inquiry whether to combine references must be thorough and searching and must be based on objective evidence of record. *In re Lee*, 277 F.3d 1338 (Fed. Cir. 2002).

Some embodiments of the Applicant's invention include ticket dispensers having a ticket bin whose position can be adjusted by selectively mounting the ticket bin in different positions; this feature allows lottery tickets of different sizes to be accommodated from a single dispenser with a single bin type. (*See, e.g.*, specification, page 9, line 18 to page 10, line 10.) The Applicant strongly disagrees with the Office Action's contention that this feature is in any way taught or suggested by the cited Robert's reference, which neither teaches nor suggests movable ticket bins mounted to drawers of any sort.

To improve clarity, the described feature has been rewritten in claim 1 (and similarly in claims 13 and 19) as:

at least one ticket bin adjustably mounted to each drawer, each ticket bin being adapted to contain at least one stack of the lottery tickets in a fan fold configuration, the ticket bin being configured to accommodate a variety of different ticket stacks sizes by being selectively mounted to the associated drawer in one of a plurality of positions disposed generally parallel with a ticket dispensing path.

This feature is entirely absent from the cited Roberts reference. This feature is also not present in the cited Schick reference.

Since the proposed combination does not teach each and every feature of Applicant's claims 1, 13 and 19, the Office Action has failed to put forward a *prima facie* case of obviousness. Accordingly, for at least this reason, Applicant respectfully submits that the rejection should be withdrawn.

Claims 2-7, 9, 10, 12 and 28 depend from independent claim 1 and therefore should be allowable for at least the same reasons as those given above for claim 1. Claims 14, 15, 17, 18 and 29 depend from independent claim 13 and therefore should be allowable for at least the same reasons as those given above for claim 13. Claims 20-24 and 30 depend from independent claim 19 and therefore should be allowable for at least the same reasons as those given above for claim 19. Claim 20 was amended to improve clarity.

Furthermore, some embodiments of the Applicant's invention include ticket dispensers having a generally transparent panel for viewing of the tickets contained in the dispenser. (*See, e.g.*, specification, page 9, lines 7-12.) Claim 4 recites, in relevant part, "the housing further comprises a generally transparent panel through which the tickets in the dispenser are visible." Similarly, claim 13 recites, in relevant part, "a generally transparent panel in the housing through which the tickets in the dispenser are visible."

In further support of the rejection, the Office Action stated:

Schick teaches the use of a housing having a transparent panel 14 and drawers 16, which are movable between extended and retracted positions for the purpose of providing protection to a plurality of articles and full display of the articles.

(citations omitted). As previously argued, Schick does not disclose or suggest a generally transparent panel in the housing through which the tickets in the dispenser are visible. In Schick, by design, the actual product to be dispensed to customers is held in the drawers and is not visible to the customer. Rather, products stored in Schick are hidden in a closed container "thus insuring their being kept in a state of perfect preservation." Schick at 2:19-29. Schick teaches that this approach prevents "the loss which results when the articles themselves are employed to display the stored stock." *Id.* As can be seen in Schick Fig. 1, Schick's display board 30 completely hides from the consumer the drawers holding stock. *Id.* Thus, Schick teaches inventory should be hidden from the consumer, teaching away from the proposed combination of the Office Action and from Applicant's claim 4 – where the tickets to be dispensed are visible to the customer through a transparent panel. For this additional reason, Applicant submits that the proposed combination does not render Applicant's claims 4 and 13 obvious. Claim 5 depends from claim 4 and therefore should be allowable for this additional reason. Claims 14, 15, 17, 18 and 29 depend from independent claim 13 and therefore should be allowable for this additional reason.

#### **IV. Rejection of Claims 11, 17 and 23 under 35 U.S.C. § 103(a)**

Claims 11, 17 and 23 were rejected under 35 U.S.C. § 103(a) over Schafer et al. (6,230,926) in view of Schick (2,049,140) and Roberts et al. (6,726,077) as applied to claims 1, 13 and 19 above, and further in view of Osawa (6,527,129). Applicant traverses the rejection and respectfully submits that claims 11, 17 and 23 are not obvious in light of the proposed combination of references.

Claim 11 depends from independent claim 1 and therefore should be allowable for at least the same reasons as those given above for claim 1. Claim 17 depends from independent claim 13 and therefore should be allowable for at least the same reasons as those given above for claim 13. Claim 23 depends from independent claim 19 and therefore should be allowable for at least the same reasons as those given above for claim 19.

Moreover, Applicant respectfully traverses the proposed combination of Osawa with the other references. This four-way combination, which picks and chooses features from the cited art using Applicant's claimed invention as a roadmap, does not make out a proper *prima facie* case of obviousness. The Office Action says the sockets and tabs as allegedly taught by Osawa would be added "to obtain a device that quickly attaching [*sic*] different size products." But, as previously argued, the tickets (i.e., "the products") are not attached to the machine in either Applicant's claimed machine or in the other cited references. Accordingly, an ordinary artisan would not be led to make the proposed combination with Osawa, which generally describes a set of racks for product displays. Nothing in Osawa even remotely discloses or suggests putting a socket and tab mechanism *inside a drawer* to allow selective positioning of a ticket bin to accommodate tickets of different sizes. Accordingly, Applicant submits that claims 11, 17 and 23 are not obvious in light of the proposed combination and respectfully requests that the rejection be withdrawn.

#### **V. New Claims 31-35**

New claims 31-35 have been added. Claim 31 should be allowable for at least the reason that it recites an "angular wall and an arcuate guide" which the Office Action indicates is not found in the cited art of record. Claims 32-35 depend from claim 31 and therefore should be allowable for at least the same reasons.

**CONCLUSION**

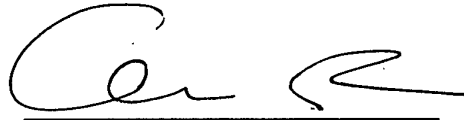
In view of the above amendments and remarks, it is respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited. The Office is authorized to charge any fee or credit any overpayment arising in connection with this paper to the deposit account of Kenyon & Kenyon LLP, No. 11-0600.

Respectfully submitted,

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